

21543



IN THE U.S. PATENT AND TRADEMARK OFFICE

Inventor Horst FÄRBER
Patent App. 09/603,528
Filed 23 June 2000
For SAMPLING TUBE AND METHOD OF MAKING SAME
Art Unit 1743
Hon. Commissioner of Patents
Washington, DC 20231

RESPONSE

This is in response to the Office Action (paper 4) mailed 21 February 2003.

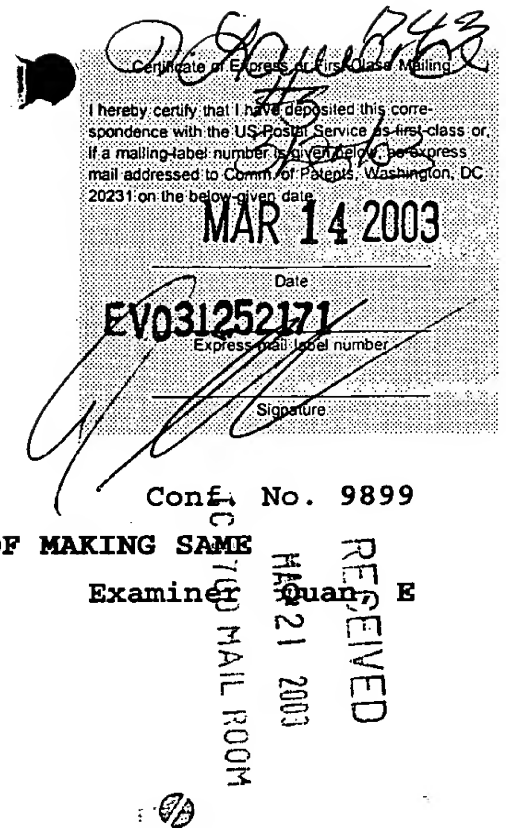
Pursuant to the requirement for restriction, Applicant provisionally elects the claims of Group I to which claims 1 - 5 are directed, namely, the claims drawn to the method, for prosecution in this case should the traverse of the requirement for restriction be unsuccessful.

The restriction requirement is, however, traversed.

It is true that the claims are related to a method of making an article and the article made by that method.

The argument made by the Examiner to support the restriction requirement is that the product as claimed can be made by another and materially different process.

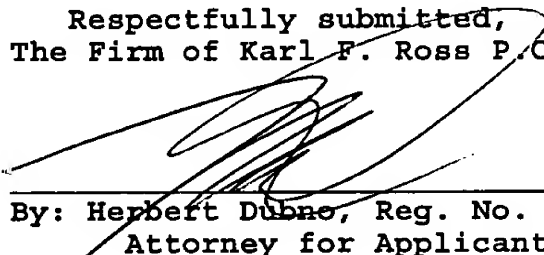
The Examiner in particular suggests that the materially different method could be an injection molding without the step of reshaping.



Applicant is by no means certain that that is the case and developed a method which is set forth in claim 1 as a method which enabled the partial bottom to be formed where the intermediate bottom was formed in the injection molding process.

As a consequence, absent some evidence that this particular structure could be formed by injection molding without the reshaping step, Applicant must insist that the reshaping step is essential and that the Examiner has not identified any substantially different method for making the specified article. As a consequence, the restriction requirement is inappropriate, the method and the article made by that method ought to be examined in a single application and an action on the merits of all of the claims in the case should be awarded here.

Respectfully submitted,
The Firm of Karl F. Ross P.C.



By: Herbert Dubno, Reg. No. 19,752
Attorney for Applicant

14 March 2003
5676 Riverdale Avenue Box 900
Bronx, NY 10471-0900
Cust. No.: 535
Tel: (718) 884-6600
Fax: (718) 601-1099

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